

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

JONATHAN BREWER,

Plaintiff,

VS.

TEVA PHARMACEUTICALS USA,
INC.,

Defendant.

No. 2:06-cv-02372-MaV

DOROTHY BLANKENSHIP,
EFFIE S. BREWER, MATTHEW
BREWER, and MATTIE BREWER,

Plaintiffs,

VS.

TEVA PHARMACEUTICALS USA,
INC.,

Defendant.

NO.2:06-cv-02373-MaV

TEVA PHARMACEUTICALS USA, INC.'S
MOTION TO COMPEL

COMES NOW the Defendant, Teva Pharmaceuticals USA, Inc., ("Teva"), and moves the Court, pursuant to Rule 37 of the Federal Rules of Civil Procedure, for an Order compelling the Plaintiffs to provide full and adequate responses to Teva's Interrogatories served on May 30, 2007; and to produce documents responsive to Teva's Requests for Production of Documents served on May 30, 2007.

In support of its Motion, Teva states that on May 30, 2007, it served its Interrogatories and Requests for Production (hereinafter referred to as "Written Discovery") upon the Plaintiffs individually. To date, no Plaintiff has responded to Teva's Written Discovery.

On June 30, 2008, undersigned counsel for Teva, in a good faith effort to resolve a potential discovery dispute, requested that the Plaintiffs respond to Teva's Written Discovery on or before July 2, 2008. (See June 30, 2008 email from undersigned counsel to Mark Ledbetter and Bruce Brooke attached hereto as Exhibit 1.) As of the date of this Motion, the Plaintiffs have not responded to Teva's Written Discovery. The Plaintiffs' failure to serve responses to Teva's Written Discovery is affecting Teva's ability to notice the Plaintiffs' respective depositions and will affect Teva's ability to comply with the Court's deadline for serving Teva's expert disclosures, which is currently set for August 1, 2008.

WHEREFORE, PREMISES CONSIDERED, Teva Pharmaceuticals USA, Inc. respectfully requests that this Court enter an order requiring the Plaintiffs to provide full and adequate responses to Teva's Interrogatories; and to produce documents responsive to Teva's Requests for Production of Documents on or before Friday, July 11, 2008.

Respectfully submitted,

BURCH, PORTER & JOHNSON

A Professional Limited Liability Company

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Attorneys for Teva Pharmaceuticals
USA, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have forwarded a copy of the foregoing to Mark Ledbetter, Esq., 254 Court, Suite 305, Memphis, Tennessee 38103, and Bruce Brooke, Esq., 254 Court Ave. Suite 300, Memphis, TN 38103 via the court's electronic filing system this 9th day of July, 2008.

s/ John R. McCann
JOHN R. McCANN